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10/753,499	01/09/2004	Kia Silverbrook	DAM07US	7874
24011 7590 11/20/2008 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA				
EXAMINER				
ZHU, RICHARD Z				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Applicant's Arguments

Applicant's opinion of examiner's interpretation of *Penn* is noted. However, whether or not said interpretation is repugnant or untenable is not supported by *Penn* as evidenced by applicant's own argument that "More specifically, it is clear from the above descriptions of *Penn* et al. that a layer is not defined or bounded by the type of material the layer is composed of". With respect to this position, the examiner is of the same mind with the applicant.

If a layer is not bounded by the type of material the layer is composed of, then the term "layer" is a relativistic term and therefore it is not a patentable limitation. This is so because if "layer" is not bounded by the material the layer is composed of, then a layer can be interpreted as follow:

1. Object 55 comprises a stack of layers of materials 25 and 35 deposited in accordance with microprocessor instructions (*Penn*, Fig 12 and see Col 7, Rows 16-29).
2. Wherein one layer of said stack of layers is described by a first layer of material 25 and a second layer of material 35 (*Penn*, Fig 14 and see Col 18, Rows 43-59) in the sense that the applicant claims "a respective layer of a respective material". The fact that the first layer and the second layer of *Penn* lies on the same z-value of z-axis still meets the claim limitations because the term "layer" is too relativistic to proscribe the limitation that layers must be printed on top of one another or that layers can not share the same z-value on the z-axis.

Therefore *Penn* discloses the system printing a plurality of layers simultaneously (Fig 12 and see Fig 14 and see Col 18, Rows 43-59) of amended claim 1 and printheads are configured to print at least two different materials in one layer (Fig 12 and see Col 7, Rows 16-29).